

BDCP/Water-Fix Supplemental DEIS List of Issues 8.6.15

- I. **Purpose and Need and Federal Action:** The old project consisted of twin tunnels to address water supply reliability as well as restoration to help restore fisheries. The USFWS and NMFS were the NEPA leads and the federal action was the issuance of an HCP ESA permit to BOR and DWR. Now, the restoration has been dropped to be pursued separately and the federal action is modifying operations of the CVP to accommodate new intakes. The purpose of the project is still water supply reliability and ecosystem protection and enhancement.
- II. **Federal and State Agencies:** USFWS and NMFS are no longer the lead agencies and have exited the NEPA process to fulfill their obligations under Section 7 of the ESA. Reclamation is the lead agency under NEPA for the operations of the water delivery system and DWR is the lead state agency under CEQA for the construction of the tunnels. The State Water Board would modify BOR and DWR's water rights permit to add the new intakes. The Corps would grant a 404 and 408 permit.
- III. **Remaining Environmental Issues:**
 - A. Water Quality
 1. Increased salinity in Western Delta; will make more difficult to meet WQS , esp. during drought
 2. Increased exceedances of the aquatic life EC standard at Prisoners Point
 3. May affect hundreds of acres of wetlands and mitigation is not defined.
 5. Increases selenium exposure
 - B. Fisheries/Beneficial Use protection
 1. Entrainment of most fish species into the CVP/SWP facilities will be reduced.
 2. Quantity and quality of aquatic habitat reduced for most fish species relative to today's conditions.
 3. Quantity and quality of aquatic habitat potentially reduced for a few fish species relative to the future, degraded baseline.
 - C. NEPA Analysis
 1. Relies on uncertain, severely degraded future baseline; demonstrates that the project will make conditions unchanged or only slightly "less bad".
 2. Modeling was not based on the proposed project or the baselines
 3. No analysis of impacts on X2 ecosystem indicator
 4. Project operations are still undefined pending Section 7 consultations.
- IV. (b)(5)(Deliberative)
 - A. The SDEIS disregards best available science re: need for increased Delta outflow.
 - B. Further degrades the Delta aquatic ecosystem, resident and migratory fish habitat, and water quality, compared to current conditions.
 - C. The threshold for non-adverse effects in the SDEIS is much lower than federal and State goals to improve ecosystem conditions for aquatic life.
 - D. Maintains high water supply exports south of Delta; Shifts burden of climate change impacts (more rain, less snow) away from water supply for consumptive uses onto water quality and aquatic life.
 - E. Project was not modeled as defined.
- V. (b)(5)(Deliberative)

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